

Online Safety Bill [HL]

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TO

Make provision about the promotion of online safety; to require internet service providers and mobile phone operators to provide a service that excludes pornographic images; and to require electronic device manufacturers to provide a means of filtering content.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Duty to provide a service that excludes pornographic images

- (1) Internet service providers must provide to subscribers an internet access service which excludes pornographic images unless all the conditions of subsection (3) have been fulfilled.
- (2) Where mobile telephone network operators provide a telephone service to subscribers which includes an internet access service, they must ensure this service excludes pornographic images unless all the conditions of subsection (3) have been fulfilled. 5
- (3) The conditions are—
 - (a) the subscriber opts-in to subscribe to a service that includes pornographic images; 10
 - (b) the subscriber is aged 18 or over; and
 - (c) the provider of the service has an age verification policy which has been used to confirm that the subscriber is aged 18 or over.
- (4) In subsection (3)— 15
“opts-in” means a subscriber notifies the service provider of his or her consent to subscribe to a service that includes pornographic images.

2 Duty to provide a means of filtering online content

Manufacturers of electronic devices must provide customers with a means of filtering content from an internet access service at the time the device is purchased. 20

3 Duty to provide information about online safety

Internet service providers and mobile telephone network operators must provide prominent, easily accessible and clear information about online safety to customers at the time the internet service is purchased and shall make such information available for the duration of the service.

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4 Reports

OFCOM must prepare a report for the Secretary of State about the operation of this Act—

- (a) every three years from the date of Royal Assent; and
- (b) at the direction of the Secretary of State.

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5 Interpretation

In this Act—

“age verification policy” is a policy which sets out the steps to be taken to establish the age of the subscriber;

“electronic device” means a device that is capable of connecting to an internet access service and downloading content;

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“image” and “pornographic” have the same meaning as in section 63 of the Criminal Justice and Immigration Act 2008;

“internet access service” and “internet service provider” have the same meaning as in section 124N of the Communications Act 2003;

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“OFCOM” has the same meaning as in Chapter 1 of Part 1 of the Communications Act 2003;

“online safety” means the safe and responsible use of the internet by children and young people on an electronic device;

“subscriber” means a person who receives the service under an agreement between the person and the provider of the service; and

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“telephone service” means a service providing calls (including voice, voicemail and conference and data calls), supplementary services (including call forwarding and call transfer) and messaging and multimedia services (including short message services, enhanced media services and multimedia services).

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6 Short title, commencement and extent

- (1) This Act may be cited as the Online Safety Act 2012.
- (2) This Act shall come into force six months after it has received Royal Assent.
- (3) This Act extends to England and Wales, Scotland and Northern Ireland.

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Baroness Howe of Idlicote

Ordered to be Printed, 28th March 2012

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